

No FEAR Act quarterly data of the Bureau of Consumer Financial Protection



Summary of complaint data

Equal Employment Opportunity Data Posted Pursuant to Title III of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174, for the Bureau of Consumer Financial Protection Bureau (Bureau).

For the period ending September 30, 2018.

- Mixed-case complaints are included in this report.
- Calculations begin day after triggering event but include the last day of event per 29 C.F.R. § 1614.604.

1. Complaint activity

TABLE 1: COMPLAINT ACTIVITY

Complaint Activity	2013	2014	2015	2016	2017	2018 thru Q4
Number of complaints filed	9	25	22	19*	5	21**
Number of complainants	9	24	19	18	5	19
Repeat filers ¹	0	1	3	1	0	2

* Three of these complaints were putative class complaints filed in a previous fiscal year. In FY 2016, an EEOC Administrative Judge (AJ) denied class certification in all three matters, requiring the matters to be processed as individual complaints. See 29 C.F.R. § 1614.204(d)(7). Total new formal complaints filed in FY 2016 thus equal 16.

** One of these complaints alleged a violation of Executive Order 11478 only. The Bureau is processing this complaint pursuant to a policy the Agency has established to address such allegations. Thus, in FY 2018 BCFP received 20 new formal complaints filed (in whole or in part) under 29 C.F.R. Part 1614.

¹ For this purpose, “repeat filers” include only individuals who have filed more than one complaint during the relevant fiscal year. This data does not include individuals who may have filed more than one formal complaint but who have never filed more than one complaint in any single fiscal year.

1.1 Complaints by basis

TABLE 2: COMPLAINTS BY BASIS*

Complaints by Basis	2013	2014	2015	2016	2017	2018 thru Q4
Race	4	17	14	8	2	13
Color	0	5	10	6	1	5
Religion	2	1	2	0	0	2
Reprisal	4	16	16	13	3	12
Sex	4	10	13	10	2	11
Pregnancy (PDA)	0	0	0	2	0	0
National Origin	1	8	5	2	1	0
Equal Pay (EPA)	1	0	2	5	0	0
Age	4	9	7	4	4	5
Disability	2	3	10	4	0	5
Genetic Information	0	0	0	0	0	0
Non-EEO	1	2	0	2	1	2

* Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.

1.2 Complaints by issue

TABLE 3: COMPLAINTS BY ISSUE

Complaints by Issue	2013	2014	2015	2016	2017	2018 thru Q4
Appointment/Hire	2	3	1	1	2	0
Assignment of Duties	3	8	5	6	1	8
Awards	0	0	0	0	0	2
Conversion to Full Time/Permanent Status	0	0	3	2	0	0
Disciplinary Action – Demotion	1	0	0	1	0	0
Disciplinary Action – Reprimand	0	9	2	1	1	0
Disciplinary Action – Suspension	0	0	0	0	0	0
Disciplinary Action – Removal	1	1	0	0	0	1
Disciplinary Action – Other	1	0	0	0	0	0
Duty Hours	0	1	0	0	0	3
Performance Evaluation/Appraisal	2	13	7	7	0	2
Examination/Test	0	0	0	0	0	0
Harassment – Non-Sexual	2	15	9	4	0	12
Harassment – Sexual	0	0	1	0	0	2
Medical Examination	0	0	0	0	0	0
Pay (Including Overtime)	1	4	5	7	0	4
Promotion/Non-Selection	0	10	6	11	2	3
Reassignment – Denied	0	1	1	0	0	0
Reassignment – Directed	0	1	1	1	0	3

Complaints by Issue	2013	2014	2015	2016	2017	2018 thru Q4
Reasonable Accommodation – Disability	0	0	2	3	0	1
Reinstatement	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	1	2	0	1	0	0
Terms/Conditions of Employment	2	3	13	8	1	7
Time and Attendance	1	4	2	3	0	2
Training	0	6	8	3	0	2
Other	0	2	1	0	0	0

2. Complaint processing times

TABLE 4: PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR

Type of Processing Time	2013	2014	2015	2016	2017	2018 thru Q4
Average number of days in investigation	176.00	230.00	247.00	270.05	238.20	142.86
Average number of days in final action	26.00	17.00	119.00	91.83	60.50	158.67**

** This processing time resulted in part from the Bureau's Office of Civil Rights (OCR) holding one matter in abeyance while the parties engaged in settlement negotiations. The matter was not resolved, and the Bureau ultimately issued the FAD in FY 2018.

TABLE 5: PROCESSING TIMES FOR COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS REQUESTED

Type of Processing time	2013	2014	2015	2016	2017	2018 thru Q4
Average number of days in investigation	288.00	278.00	183.00	242.83	240.83	190.33
Average number of days in final action	131.00	178.00	219.00	0.00	35.67	35.00

TABLE 6: COMPLAINTS PENDING (FOR ANY LENGTH OF TIME) DURING FISCAL YEAR WHERE HEARING WAS NOT REQUESTED

Type of Processing Time	2013	2014	2015	2016	2017	2018 thru Q4
Average number of days in investigation	176.00	214.00	293.00	316.71	243.33	107.25
Average number of days in final action	58.00	90.00	52.00	91.83	85.33	220.50**

** This processing time resulted in part from the Bureau’s Office of Civil Rights (OCR) holding one matter in abeyance while the parties engaged in settlement negotiations. The matter was not resolved, and the Bureau ultimately issued the FAD in FY 2018.

3. Complaint dismissals and withdrawals

TABLE 7: COMPLAINTS DISMISSED BY AGENCY

Agency Dismissal Information	2013	2014	2015	2016	2017	2018 thru Q4
Total complaints dismissed by agency	1	2	2	1	1	4
Average days pending prior to dismissal	27.00	293.00	26.00	34.00	21.00	13.00

TABLE 8: COMPLAINTS WITHDRAWN BY COMPLAINANTS

Complaints Withdrawn	2013	2014	2015	2016	2017	2018 thru Q4
Total complaints withdrawn by complainants	1	0	1	2	3	0

4. Findings of discrimination

TABLE 9: TOTAL FINAL AGENCY ACTIONS FINDING DISCRIMINATION

Type of Findings	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Total findings	0	0	0	0	0	0	1	100	0	0	1	100
Without hearing	0	0	0	0	0	0	1	100	0	0	1	100
With hearing	0	0	0	0	0	0	0	0	0	0	0	0

4.1 Findings by basis*

TABLE 10: TOTAL FINDINGS OF DISCRIMINATION RENDERED BY BASIS

Basis	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Total findings	0	0	0	0	0	0	1	100	0	0	1	100
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	1	100	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0

Basis	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
	#	%	#	%	#	%	#	%	#	%	thru Q4	thru Q4
											#	%
Disability	0	0	0	0	0	0	1	100	0	0	1	100
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 11: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY BASIS

Basis	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
	#	%	#	%	#	%	#	%	#	%	thru Q4	thru Q4
											#	%
Total findings	0	0	0	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 12: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY BASIS

Basis	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Total findings	0	0	0	0	0	0	1	100	0	0	1	100
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	1	100	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
Pregnancy (PDA)	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay (EPA)	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	1	100	0	0	1	100
Genetic Information	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0

* Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.

4.2 Findings by issue

TABLE 13: TOTAL FINDINGS OF DISCRIMINATION RENDERED BY ISSUE

Issue	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Total findings	0	0	0	0	0	0	1	100	0	0	1	100

Issue	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	100	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	0	0	1	100	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	1	100	0	0	1	100
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0	0	0	0

Issue	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
	#	%	#	%	#	%	#	%	#	%	thru	thru
											Q4 #	Q4 %
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 14: FINDINGS OF DISCRIMINATION RENDERED AFTER HEARING BY ISSUE

Issue	2013	2013	2014	2014	2015	2015	2016	2016	2017	2017	2018	2018
	#	%	#	%	#	%	#	%	#	%	thru	thru
											Q4 #	Q4 %
Total findings	0	0	0	0	0	0	0	0	0	0	0	0
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0

Issue	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Performance Evaluation/Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

TABLE 15: FINDINGS OF DISCRIMINATION RENDERED WITHOUT HEARING BY ISSUE

Issue	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Total findings	0	0	0	0	0	0	1	100	0	0	1	100
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	1	100	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full Time/Permanent Status	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Removal	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action – Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Performance Evaluation/Appraisal	0	0	0	0	0	0	1	100	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Non-Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Harassment – Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Denied	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment – Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Disability	0	0	0	0	0	0	1	100	0	0	1	100

Issue	2013 #	2013 %	2014 #	2014 %	2015 #	2015 %	2016 #	2016 %	2017 #	2017 %	2018 thru Q4 #	2018 thru Q4 %
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation – Religion	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Sex Stereotyping	0	0	0	0	0	0	0	0	0	0	0	0
Telework	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

5. Pending complaints

TABLE 16: PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

Pending Complaints and Complainants	2013	2014	2015	2016	2017	2018 thru Q4
Total complaints from previous fiscal years	3	20	32	21	16	17
Total complainants	3	20	25	17	12	15

TABLE 17: PENDING COMPLAINTS FILED IN PREVIOUS FISCAL YEARS BY STATUS

Where in EEO Process Complaints Are Pending	2013	2014	2015	2016	2017	2018 thru Q4
Investigation	2	19	8	0	0	0
ROI issued, pending complainant's action	1	1	2	0	0	0
Hearing	0	0	12	18	12	14
Final Agency Action	0	0	6	2	1	0
Appeal with EEOC Office of Federal Operations	0	0	4	6	9	3

6. Investigation timeframes

TABLE 18: INVESTIGATIONS THAT EXCEED TIME FRAMES

Investigations	2013	2014	2015	2016	2017	2018 thru Q4
Pending complaints where investigations exceed required time frames	0	0	2	0	0	0